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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,289	09/18/2003	Yoshiki Katsumata	4346/90254 (TRX 0755)	9064
7590	07/22/2004		EXAMINER	
US Intellectual Property Department Tetra Pak, Inc. 101 Corporate Woods Parkway Vernon Hills, IL 60089			TRUONG, THANH K	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/666,289	KATSUMATA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Thanh K Truong	3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 September 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: "bottom M" page 5, [0033] line 1; "sealing panel 106" page 5, [0035] lines 3-4; and "sealing station 36" page 6, [0040] line 1.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (6,385,950) in view of Janson et al. (5,324,250).

Anderson discloses a form, fill and seal packaging machine comprising:

a carton magazine 32 for storing a plurality of cartons, and a carton erection station 34 for receiving the cartons and opening the cartons to a tubular form (figure 3, column 5, lines 26-28);

a rotating turret 28, the turret rotating to define a turret plane;

a plurality of carton mandrels 30a-d mounted to the turret for rotation with the turret;

a carton bottom heater 36 located along a rotational path of the turret;

a carton bottom sealer 38 located along the rotational path of the turret;

a carton bottom panel folding assembly 40 located along the rotational path of the turret, disposed between the carton bottom heater and the carton bottom sealer, the carton bottom panel folding assembly including a pair of opposing rotating members 50, 52 disposed on either side of the carton as the carton traverses ~~passed~~<sup>past</sup> the folding assembly, each of the rotating members configured to rotate in a plane that is transverse to the turret plane (figure 4).

Anderson discloses the claimed invention, but does not expressly disclose a tucking assembly disposed between the opposing rotating members, and the tucking assembly rotating in a plane transverse to the plane of the rotating members and parallel to the turret plane.

Janson discloses an apparatus for folding bottom panels of a carton blank comprising: a pair of opposing rotating members 60 disposed on either side of the carton as the carton traverses ~~passed~~<sup>past</sup> the folding assembly, each of the rotating members configured to rotate in a plane that is transverse to the turret plane, a tucking

assembly 56 disposed between the opposing rotating members, and the tucking assembly rotating in a plane transverse to the plane of the rotating members 60 and parallel to the turret plane (figures 4, 5 & 7). Jason's apparatus provides an effective bottom folding device and ensure that the carton bottom is properly folded and sealed.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to modify Anderson's carton bottom folder by incorporating the carton bottom folder as taught by Janson to provide an effective carton bottom folder device.  
*modified as.*

The ~~modify~~ Anderson and Janson further discloses: the folding assembly includes a rotating drive shaft 66, wherein the opposing rotating members are operably connected to the drive shaft and wherein the tucking assembly is operably connected to the drive shaft (Janson, figure 7); wherein the drive shaft and rotating members are connected by plurality of bevel gears (Anderson, figures 4 & 5); the tucking assembly includes a mount extending from the drive shaft and a blade 56 disposed at an end of the mount, and the blade includes a roller 57 at an end thereof (Janson, figures 3 & 7); and the form, fill and seal apparatus including a tab tucker 72 extending from the mount between the shaft 66 and the blade 56 (Janson, figures 3 & 7).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K Truong whose telephone number is (703) 605-0423. The examiner can normally be reached on Mon-Thurs from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tkt  
July 20, 2004.



EUGENE KIM  
PRIMARY EXAMINER